

Appl. No. 10/530,890
In re VILLAGRASA et al.
Reply to Final Office Action of Mar. 10, 2009

REMARKS/ARGUMENTS

The Examiner is thanked for the Final Office Action dated March 10, 2009 and the telephone Interview of March 6, 2009. This amendment and request for reconsideration is intended to be fully responsive thereto.

Claims 5 and 7 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner alleges that applicant had not pointed out written description and/or drawings to support interpretation of the claim. As applicant noted during the telephone Interview of March 6, 2009, the Examiner's understanding of the limitation of claims 5 and 7 as defining/including "any angle except one that is coaxial with an axis perpendicular to the surface of the door" is correct.

The panel (5) in claim 7 is lacking an antecedent basis. Thus, claim 7 has been amended to define the panel (5) as located in the same plane as an external surface of said rear frame (20) at a certain distance from the handle (1) so that said panel (5) conceals said handle (1) from the outside of said vehicle. The antecedent basis for the amendment could be found in claim 3 of the present specification, as originally filed. No new matter has been added.

Claims 3, 21, 23 and 30 were rejected under 35 U.S.C. 102(b) as being anticipated by Katoh (US 6,669,243). The applicant respectfully disagrees. However, in order to expedite the prosecution of the present application, claims 3, 21, 23 and 30 have been canceled, thus rendering this rejection moot.

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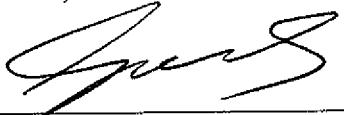
Claims 1, 5-10 and 31 have been allowed.

The Examiner further noted that claims 22 and 24 were objected to as being dependent upon the rejected base claim 3, but would be allowable if rewritten in independent form including all the limitation of the base claim and any intervening claims. In order to expedite the prosecution of the present application, claims 22 and 24 have been rewritten in independent form including all the limitation of the base claim and any intervening claims, thus placing claims 22 and 24 in condition for allowance.

Claims 12 and 25-28 have also been canceled.

It is respectfully submitted that claims 1, 5-10, 22, 24 and 31 define the invention over the prior art of record and are in condition for allowance, and notice to that effect is earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution they are invited to contact the undersigned at the number listed below.

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